



PCBUs, workers and officers

The Work Health and Safety Act and Regulations (2012) use the term 'persons conducting a business or undertaking' (PCBU) instead of 'employer' and 'workers' instead of 'employees'.

Who should read this?

This fact sheet should be read by PCBUs, officers and workers.

Persons conducting a business or undertaking (PCBU)

A PCBU conducts a business or undertaking alone or with others. The business or undertaking can operate for profit or not-for-profit. The definition of a PCBU focuses on the work arrangements and the relationships to carry out the work.

Although employers are PCBUs, the term PCBU is much broader than this and may include:

- // a corporation
- // an association
- // partners in a partnership
- // a sole trader
- // a volunteer organisation which employs any person to carry out work
- // householders where there is an employment relationship between the householder and the worker

You are not considered to be a PCBU if you:

- // are engaged solely as a worker or an officer
- // are an elected member of a local authority
- // are a volunteer association that does not employ anybody
- // are a strata title body corporate responsible for common areas used only for residential purposes — providing you do not employ any workers.

Worker

You are considered to be a worker if you carry out work for a PCBU, such as:

- // an employee
- // a contractor or sub-contractor
- // an employee of a contractor or sub-contractor
- // an employee of a labour hire company
- // an apprentice or trainee
- // a student gaining work experience
- // an outworker
- // a volunteer.

You can also be a PCBU and a worker if you carry out work for another PCBU.

Officer

An officer is a person who makes decisions, or participates in making decisions, that affect the whole or a substantial part of a business or undertaking or has the capacity to significantly affect the financial standing of the business or undertaking.

If a person is responsible only for implementing those decisions, they are not considered an officer. Partners of a partnership are not officers but are PCBUs.

An officer of a PCBU must exercise due diligence to ensure that the PCBU complies with their duties under the WHS legislation.

You are considered to be an officer if you are:

- ▮ an officer within the meaning of section 9 of the Commonwealth Corporations Act 2001
- ▮ an officer of the Crown within the meaning of section 247 of the Work Health and Safety Act 2012
- ▮ an officer of a public authority within the meaning of section 252 of the Work Health and Safety Act 2012.

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Important note:

This information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the Work Health and Safety Act 2012 and the Work Health and Safety Regulations 2012 and any other relevant legislation. To view, go to www.worksafe.tas.gov.au

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www.worksafe.tas.gov.au

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